

## **REMARKS**

Claims 18, 23, 25, 30 and 31 have been amended. Claim 32 has been added. Claims 18-32 are pending in the application. Reconsideration is respectfully requested in light of the following remarks.

### **Section 101 Rejection:**

The Examiner rejected claim 31 under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Claim 31 has been amended to recite a *tangible*, computer readable medium. Applicants respectfully request removal of the § 101 rejection of claim 31.

### **Section 102(e) Rejection:**

The Examiner rejected claims 18-31 under 35 U.S.C. § 102(e) as being anticipated by Canady et al. (U.S. Patent 6,385,665) (hereinafter “Canady”). Applicants traverse this rejection in light of the following remarks.

Regarding claim 18, Canady fails to disclose generating environmental data representative of at least one parameter value of at least one sensor associated with the device. The Examiner cites (regarding cancelled claim 23) column 5, lines 36-42 and column 6, lines 62-67 of Canady and specifically arguing that Canady’s fault report data contains error priority, fault detector identification, identification of the component where the failed device resides, etc., which the Examiner contends represents environment data. However, this data cannot be considered *environment data of a sensor* as understood by a person of ordinary skill in the art. Instead, this data, along with other data in Canady’s fault report, represents parameters of a detected fault, such as the time of the fault event, the type of fault, and the location of the fault detection, not *parameter values of a sensor associated with the device*, as recited in claim 18. Because Canady does not teach generating environment data representing a parameter value of a sensor associated with

the device, Canady cannot be said to anticipate claim 18. Thus, the rejection of claim 18 is not supported by the prior art and removal thereof is respectfully requested. Similar remarks apply also to independent claims 25 and 31.

Regarding added claim 32, Canady fails to disclose a plurality of device drivers, each operable to generate operational status information from at least one of a number of memory access performed, a time taken to respond to a command, and an amount of data processed. The Examiner (regarding claim 24) cites column 4, line 60 – column 5, line 3 and column 5, lines 19-20 of Canady describes the use of a periodic heartbeat test to see if the unit controllers and application cards are functioning properly. However, Canady's heartbeat test consists of sending out a message and generating a fault report if a unit controller or application card fails to acknowledge the message. Canady makes no mention of generating operational status information regarding heartbeat tests other than to generate a fault report if a unit fails to respond. However, a fault report generated because a unit fails to respond to a heartbeat message clearly cannot be equivalent to generating operational status information from a time taken *to respond to a command*, as recited in claim 32. Instead, the fault report of Canady is generated in response to a unit *not responding* (i.e. to the heartbeat message).

The Examiner's second citation refers to timing faults, which are described as faults that result from a failure of the timing network. Timing faults are described in Canady as being "caused by a defective timing circuit" (column 1, line 57). However, there is nothing in Canady to teach or suggest that these faults result in generating operational status information from a *time taken to respond to a command*. Instead, Canady only mentions that timing faults may be detected *when they spawn other errors* in Canady's telecommunications switching system. For example, Canady states, "a timing fault ... may appear as a data integrity fault at various places along the data transmission path" (column 1, lines 57-59). Thus, detecting the timing faults of Canady clearly fails to disclose generating operational status information from *a time taken to respond to a command*. For at least the reasons above, Canady cannot be said to anticipate all the limitations of independent claim 32.

Applicants also assert that numerous ones of the dependent claims recite further distinctions over the cited art. However, since the rejection has been shown to be unsupported for the independent claims, a further discussion of the dependent claims is not necessary at this time.

## CONCLUSION

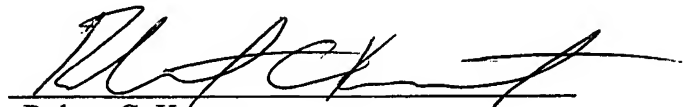
Applicants submit the application is in condition for allowance, and notice to that effect is respectfully requested.

If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5681-10800/RCK.

Also enclosed herewith are the following items:

- ☒ Return Receipt Postcard
- ☐ Petition for Extension of Time
- ☐ Notice of Change of Address
- ☐ Other:

Respectfully submitted,



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